

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:17-00195

WINDEL LESTER
JAMES EDWARD LESTER
GEORGETTA KENNEY
GREG A. LESTER

MEMORANDUM OPINION AND ORDER

Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, the parties in a criminal proceeding with a forfeiture allegation have the right to request a jury determination on the forfeitability of specific property if the jury returns a guilty verdict. See Fed. R. Crim. P. 32.2(b)(5). All parties waived their right to a jury determination on the alleged forfeiture. Accordingly, the court "must determine whether the government has established the requisite nexus between the property and the offense," id. at (b)(1)(A), and do so "sufficiently in advance of sentencing . . ." Id. at (b)(2)(B). Accordingly, the court sets the following briefing schedule:

- 1) The United States' opening brief shall be due before Wednesday, October 3, 2018.
- 2) Defendants' responses shall be due fourteen (14) days from the date of the United States' opening brief.

3) The United States' reply shall be due seven (7) days from the date the last defendants' brief is filed.

4) The forfeiture hearing in this action shall be held on Wednesday, October 31, 2018, at 10:00 a.m. in Bluefield.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 5th day of September 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge